IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.965 of 2007

Sanjay Sitaram Khemka — Applicant
Vs.
State of Maharashtra & anr. — Respondents

Applicant in person.
Mr.Manoj M. Kondekar with Mr.J.N.Shiradhonkar for resp.no.2.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.
July 17, 2007.

P.C.

. I have heard Mr.Khemka, the party in person. He is praying for quashing the proceedings in CC No.678/SS/2005 pending before the learned Metropolitan Magistrate's 31st Court at Vikhroli, Mumbai. The applicant is the accused in the said criminal complaint which has been instituted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

. The Farad of this application shows that the applicant was from time to time contending that he was ready and willing to make full payment of the cheque amount within a period of three months and on that ground the proceedings should be quashed. Initially the amount of Rs.70,000/- could not be

deposited with the trial Court within one week from 20/3/2007. The learned counsel for the respondent no.2 sates that let the applicant first pay the entire cheque amount and then approach the said complainant - company for settlement. As of now only on the basis of an offer, this Court will be reluctant to invoke the inherent powers under Section 482 of Cr.P.C. and quash the proceedings.

. It is for the applicant to pay the entire cheque amount and then either approach the complainant - company for settlement or approach this Court for appropriate relief or the Court of revision i.e. the Sessions Court at Mumbai. As of now, he has deposited an amount of Rs.1,20,000/- only.

. Hence the application is rejected. The operation of the non-bailable warrant is hereby stayed on the undertaking of the applicant that he will appear before the trial Court in the above referred case on the next date i.e. 14th August 2007.

(B.H.MARL